

BMS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Caption:

Cedrick Euron Drape

Unrepresented, in forma pauperis
Full name(s) of Plaintiff(s)

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

v.

CIVIL ACTION
NO. 20 1052

① GB Logistics LLC; Headquarter Office;
in care of Kaitlin Burke
(Human Resource Lead) and ② GB LLC Holdings LLC dba
Full name(s) of Defendant(s) GOFF

This action is brought for discrimination in employment pursuant to (check only those that apply):

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).
NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.
- ☐ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621-634.
NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission, and you must have been at least 40 years old at the time you believe that you were discriminated against
- ☐ Americans with Disability Act of 1990, as codified, 42 U.S.C. §§ 12112-12117.
NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission
- ☐ Pennsylvania Human Relations Act, as codified, 43 Pa. Cons. Stat. §§ 951-963 (race, color, family status, religious creed, ancestry, handicap or disability, age, sex, national origin, the use of a guide or support animal because of blindness, deafness or physical handicap of the user or because the user is a handler or trainer of support or guide animals).

NOTE: In order to bring suit in federal district court under the Pennsylvania Human Relations Act, you must first file a complaint with the Pennsylvania Human Relations Commission or the Philadelphia Commission on Human Relations, and then you must wait one year prior to filing a lawsuit.

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name: Cedrick Euron Draper
 Street Address: 1508 Sam's Circle # 532
 County, City: Chesapeake City Virginia
 State & Zip: Virginia 23320
 Telephone Number: 216 806 4988

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant Name: GB Logistics LLC
 Street Address: 537 North 3rd Street
 County, City: Philadelphia Philadelphia City
 State & Zip: PA 19123
 Telephone Number: 508 - 299 - 9353

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer: GB LL Holdings LLC dba GO PUFF
 Street Address: 1111 Harris Street
 County, City: Albemarle County Charlottesville City
 State & Zip: Virginia 22903
 Telephone Number: 508 - 299 - 9353

II. Statement of the Claim

- A. The discriminatory conduct of which I complain in this action includes (check only those that apply to your case):

☐ Failure to hire me
☒ Termination of my employment
☐ Failure to promote me

- ☐ Failure to reasonably accommodate my disability
☐ Failure to reasonably accommodate my religion
☐ Failure to stop harassment
☒ Unequal terms and conditions of my employment
☒ Retaliation
☒ Other (specify): Discrimination by (sex) male gender
within working

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

B. It is my best recollection that the alleged discriminatory acts occurred or began on or about: (month) 11 __ __, (day) 10 __ __, (year) 2019 __.

C. I believe that the defendant(s) (check one):

- ☐ is still committing these acts against me.
☒ is **not** still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and state the basis for discrimination, for example, what is your religion, if religious discrimination is alleged):

- ☐ race _____ ☐ color _____
☐ religion _____ ☒ gender/sex male
☐ national origin _____
☐ age _____ My date of birth is 11/11/1985 (Give your date of birth only if you are asserting a claim of age discrimination)

E. The facts of my case are as follow (attach additional sheets of paper as necessary):

- ① Complainant states discrimination by Defendant's Virginia organization business by sex (male) class. Incident occurred 1st 120 days of hire date)
- ② Complainant states retaliation by termination of 11/16/2019 from previous (sex male class incident)
- ③ Complainant states retaliation by termination and HR Lead appeal hearing process conducted on 11/11/2019 to determine complainant contest for employment by General Manager decision 11/10/2019
- ④ Complainant proclaims unequal -3- Acts by terms and condition of job description and policy

NOTE: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, or the Philadelphia Commission on Human Relations.

III. Exhaustion of Administrative Remedies:

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on: 02/07/2020 (Date).

- B. The Equal Employment Opportunity Commission (check one):

 has not issued a Notice of Right to Sue Letter.

 X issued a Notice of Right to Sue Letter, which I received on 02/11/2020 (Date).

NOTE: Attach to this complaint a copy of the Notice of Right to Sue Letter from the Equal Employment Opportunity Commission

- C. Only plaintiffs alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (check one):

 60 days or more have passed.

 X fewer than 60 days have passed.

- D. It is my best recollection that I filed a charge with the ~~Pennsylvania Human Relations Commission~~ or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct on: (Date).

- E. Since filing my charge of discrimination with the ~~Pennsylvania Human Relations Commission~~ or the Philadelphia Commission on Human Relations regarding the defendant's alleged discriminatory conduct (check one):

 One year or more has passed.

 X Less than one year has passed.

* EEOC OFFICE
Richmond
Virginia

IV. Relief

WHEREFORE, Plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs as well as *(check only those that apply)*:

- ☐ Direct the defendant to hire the plaintiff.
- ☒ Direct the defendant to re-employ the plaintiff.
- ☐ Direct the defendant to promote the plaintiff.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
- ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- ☐ Direct the defendant to *(specify)*: _____
- ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- ☒ Other *(specify)*: (back pay, if available) (Resignation/Remediation if available)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 19 day of Feb, 2020.

Signature of Plaintiff

Address

C. O. J.
Post Office Box 149
Lynchburg Virginia 24505

Telephone number

Fax number (if you have one)

216 806 4988
434 509 1260

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To **Cedrick Draper**
PO Box 144
Lynchburg, VA 24505

From **Richmond Local Office**
400 North 8th Street
Suite 350
Richmond, VA 23219



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No

EEOC Representative

Telephone No

438-2020-00210

Gabrielle M. Corbett,
Investigator

(804) 771-2139

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

No employee / employer relationship

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age

Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

FEB 11 2020

Enclosures(s)

Daron L. Calhoun,
Director

(Date Mailed)

cc:

Kaitlin Burke
HR Director
1111 Harris Street
Charlottesville, VA 22903

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Cedrick Draper
Post Office Box 144
Lynchburg Virginia 24505

1508 Sams Cir Suite 532
Chesapeake Virginia 23320
276.806.4958
434.509.1260 (fax 1)
February 15th 2020
18th

US Mail

~~Circuit Court of Virginia~~ Eastern District of Pennsylvania
Notice

United States

Dear Representative Official of the Circuit Court,


Cedrick Draper request additional file ~~to appeal~~ by right to sue letter as
enclose petition ~~is separate from appeal~~ on the company by discrimination
claim. Please file additional copy with previously mail petition to develop to
Copy to petitioner PO Box 144 Lynchburg VA 24505
~~separate case numbers~~. If clarity is needed by request give me call
276.806.4958. All order and decision drawer please mail timely to
PO Box address.

Formally,

Cedrick Draper/x:



Certificate of Service

1 I hereby certify that on 02/18/2020 a true and
correct copy of the foregoing instrument has been forwarded
by first class mail to counsel of record. 

601 Market St
Philadelphia PA 19106



FOREVER / USA

Clerk of Court
US District Court
601 Market Street Room 2609
Philadelphia PA 19106-1797

U.S. MAIL
X-RAY

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